

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY
LAND USE AND HOUSING COMMITTEE-APPROVED CHANGED – JUNE 15, 2005

SUBJECT: STANDARD OPERATING PROCEDURES AND RESPONSIBILITIES
OF RECOGNIZED COMMUNITY PLANNING GROUPS

POLICY NO.: 600-24

EFFECTIVE DATE:

BACKGROUND:

Community planning groups have been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically, concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to each recognized community planning group's planning area boundaries. Planning groups also advise on other land use matters as requested by the City or other governmental agencies.

Planning groups are private organizations. The City does not direct or recommend the election of specified individual members, nor does the City appoint members to planning groups, or recommend removal or individual members of a planning group. The City does not delegate legal authority to planning groups to take actions on behalf of the City. Planning groups are voluntarily created and maintained by members of communities within the City. Council Policy 600-24 was created to provide the guidance for organizations operating as officially recognized community planning groups.

PURPOSE:

The purpose of Council Policy 600-24 is to identify responsibilities and to establish minimum operating procedures governing the conduct of planning groups when they operate in their officially recognized capacity.

POLICY:

It is the policy of the City Council to require each recognized community planning group, as a condition of official recognition by The City of San Diego, to submit a copy of its own operating procedures and responsibilities, otherwise known as "bylaws," to the Planning Department. These bylaws must contain, at a minimum, all the provisions addressed in Council Policy 600-24, and conform to the criteria contained herein. Individual planning groups' bylaws may expand on provisions in this Policy to better meet the needs of diverse communities. However, all bylaws must remain in conformance with the provisions of this Policy to maintain official recognition by the City. The original bylaws for each planning group and the initial members and terms of each planning group seat and member will be submitted for approval by resolution of the City Council.

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Subsequent amendments to adopted bylaws may be approved by the Planning Director and City Attorney if determined to conform with this Policy. Bylaws that cannot be approved by the Planning Director and City Attorney will be taken to the City Council. Failure of a planning group to comply with the approved operating procedures and responsibilities will be cause for the City Council to withdraw official recognition.

Planning groups must utilize this Policy and their adopted bylaws to guide their operations. The Planning Director is assigned to prepare and maintain Administrative Guidelines in consultation with the Community Planners Committee. The Administrative Guidelines are intended to explain this Policy's minimum standard operating procedures and responsibilities of planning groups. The Administrative Guidelines provide the planning groups with explanations and recommendations for individually adopted bylaws and planning group procedures. Robert's Rules of Order Newly Revised should be used when this Policy, the Administrative Guidelines, and planning group bylaws do not address an area of concern or interest.

It is also the policy of the City Council that the City shall indemnify, and the City Attorney shall defend, a recognized community planning group or its individual members in accordance with Ordinance No. O-17086 NS entitled "An Ordinance Providing for Legal Representation to and Indemnification of Community Planning Committees Against Claims for Damages." Generally, a planning group or its duly elected or appointed members may be indemnified against claims or actions by the City and defended by the City Attorney if the planning group or its duly elected or appointed members meet the criteria set forth in the Ordinance. Most importantly, the claim or action must have arisen out of the planning group or its members acting in conformance with this Policy and the planning group's adopted bylaws.

ARTICLE I Name

- Section 1. The recognized community planning group shall adopt an official name which shall be subject to the approval of the City Council.
- Section 2. All activities of a recognized community planning group shall be conducted in its official name.
- Section 3. A boundary for a recognized community planning group's area of authority is based on the boundary of the applicable adopted community plan. The boundary is intended to give a planning group the advisory responsibilities over an area that has been established based on logical, man-made or geographic boundaries. In some cases, the City Council may determine that a boundary other than that of an adopted plan is the appropriate boundary for a planning group's oversight, and may identify an area either smaller than, or more encompassing than, an adopted community plan.

The community planning area boundaries which are applicable to each recognized community planning group shall be shown on a map to be included in the bylaws as Exhibit "A."

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- Section 4. The official positions and opinions of the recognized community planning group shall not be established or determined by any organization other than the planning group, nor by any individual member of the planning group other than one authorized to do so by the planning group.

ARTICLE II Purpose of Community Planning Group and General Provisions

- Section 1. Community planning groups have been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff, and other governmental agencies on land use matters, specifically, concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to each recognized community planning group's planning area boundaries. Planning groups also advise on other land use matters as requested by the City or other governmental agency.
- Section 2. The recognized community planning group reviewing individual development projects should focus such review on conformity with the adopted Community Plan and/or the General Plan. Preliminary comments on projects may be submitted to the City during the project review process. Whenever possible, a formal planning group recommendation should be submitted no later than the end of the public review period offered by the environmental review process. Substantive changes in projects subsequent to completion of the environmental review process will sanction further evaluation by the planning group. This will provide staff and the project applicant the opportunity to respond to the comments or concerns and potentially resolve possible conflicts before the project is noticed for discretionary action.
- Section 3. Insofar as the efforts of the recognized community planning group are engaged in the diligent pursuit of the above purpose, City staff assistance, if any, shall be provided from the Planning Department, and/or other appropriate staff under the direction of the City Manager.
- Section 4. All activities of recognized community planning groups shall be nonpartisan and nonsectarian and shall not discriminate against any person or persons by reason of race, color, sex, age, creed or national origin, or sexual orientation, or physical or mental disability.
- Section 5. A recognized community planning group shall not take part in, officially or unofficially, or lend its influence in, the election of any candidate for political office. Planning group members shall not identify affiliation with a planning group when endorsing candidates for public office. A planning group may take a position on a ballot measure.

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Section 6. Pursuant to the provisions of City Council Policy 600-5, a recognized community planning group's consistent failure to respond to the City's request for planning group input on the preparation of, adoption of, implementation of, or amendment to, the General Plan or a community, precise, or specific plan, or failure to review and reply to the City in a timely manner on development projects shall result in the forfeiture of rights to represent its community for these purposes. Such a determination resulting in the forfeiture of rights to represent its community for these purposes shall be made only by the City Council upon the recommendation of the Planning Department.

ARTICLE III Community Planning Group Organizations

Section 1. The recognized community planning group shall consist of a specific number of members that is not fewer than 12 nor more than 20, provided, however, that when a larger membership shall give better representation to a community, the City Council may approve such larger membership. Upon recognition by the City Council, the members of the planning groups shall constitute the official planning group for the purposes set forth in Article II.

Section 2. The members of the recognized community planning group shall consist of the members as of the date of recognition by the City Council, and of such additional members as shall thereafter be elected by eligible community members in the manner prescribed by Council Policy 600-24.

Section 3. Members of recognized community planning groups shall, to the extent possible, be representative of the various geographic sections of the community and diversified community interests.

Planning group members shall be elected by and from eligible members of the community. To be an eligible community member an individual must be at least 18 years of age, and shall be affiliated with the community as a:

- (1) property owner, who is an individual identified as the sole or partial owner of record, or their designee, of a real property (either developed or undeveloped), within the community planning area, or
- (2) resident, who is an individual whose primary address of residence is an address in the community planning area, or
- (3) local business person, who is a local business owner, operator, or designee at a non-residential real property address in the community planning area.

Eligibility may be further defined in planning group bylaws.

Section 4. Members of a recognized community planning group shall be elected to serve for fixed terms of two to four years with expiration dates during alternate years to provide continuity. This can vary for the purpose of the selection of initial group

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members for new groups. No person may serve on a planning group for more than eight consecutive years if members are elected to two- or four-year terms, or nine consecutive years if members are elected to three-year terms. The eight or nine year limit refers to total service time, not to individual seats held.

After a one-year break in service as a planning group member, an individual who had served for eight or nine consecutive years shall again be eligible for election to the committee.

Council Policy 600-24 provides an exception for a planning group to retain some members who have already served for eight or nine consecutive years to continue on the planning group without a break in service if not enough new members are found to fill all vacant seats as follows:

A planning group member who has served eight or nine consecutive years may appear on the ballot with new candidates. After open seats are filled with qualified new members, and if open seats still remain, the following provisions may be utilized: A member may serve in excess of eight or nine consecutive years (as specified above) if that person is reelected to a remaining open seat by at least a two-thirds majority of the votes cast by eligible community members participating in the regular election. The number of individuals on a planning group serving more than eight or nine consecutive years shall in no case exceed twenty-five percent of the voting committee membership.

The term of a member elected by a two-thirds vote serving beyond eight or nine years shall count as time served beyond the required break in service as required by this section. Future consecutive election of the member who has served beyond eight or nine years is subject to the requirements of this section.

Section 5. A member of a recognized community planning group must retain eligibility during the entire term of service. A planning group member may be removed from the planning group, upon a majority vote of the planning group, if, during a regularly scheduled public meeting, the Secretary presents documentation to the planning group and has notified the member in question that the member is no longer eligible to serve. Ineligibility may be due to not meeting the membership qualifications found in Article III, Section 3 or Article IV, Section 1 of this Council Policy and in the group's adopted bylaws.

Section 6. In cases of alleged violations of this Council Policy or a recognized community planning group's bylaws by a planning group member, the planning group shall conduct an investigation consistent with the Administrative Guidelines and adopted planning group bylaws.

If the planning group, after a thorough investigation, determines that the individual member has violated a provision of the council policy or the planning

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group's bylaws, the planning group shall, where feasible, seek a remedy that corrects the violation and allows the member to remain as a member of the planning group.

If corrective action or measures are not feasible, the planning group may remove a member by a two-thirds vote of the planning group. The vote to remove the group member shall occur at a regularly scheduled public meeting subject to the procedures outlined in the Administrative Guidelines and in adopted planning group bylaws.

A member found to be not in compliance with the provisions of this Council Policy or adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS.

Section 7. In cases of alleged violations of Council Policy 600-24 or planning group bylaws against a recognized community planning group as a whole, City staff will work with the planning group to investigate allegations and to remedy any violations. If severe, documented violations occur, or if repeated violations occur, City staff may request the assistance of the Community Planners Committee (CPC) to help determine an appropriate course of action.

If a violation against a recognized community planning group as a whole is proven and there is a failure of the planning group to take corrective action, the planning group will forfeit its rights to represent its community as a community planning group recognized under Council Policy 600-24. Such a determination resulting in the forfeiture of a seated group's rights to represent its community shall be based on a recommendation by the Planning Department to the City Council. A planning group shall not forfeit its recognized status until there is an action by the City Council to remove the status. The City Council may also prescribe conditions under which official recognition will be reinstated.

A planning group found to be out of compliance with the provisions of Council Policy 600-24 or its adopted bylaws risks loss of indemnification [legal protection and representation] pursuant to Ordinance No. O-17086 NS.

ARTICLE IV Vacancies

Section 1. The recognized community planning group shall find that a vacancy exists upon receipt of a resignation in writing from one of its members or upon receipt of a written report from its secretary reporting the third consecutive absence or fourth absence in the 12-month period of April through March each year, of a member(s) from regular meeting as established under Article VI, Section 2 below

Section 2. Vacancies that may occur on a recognized community planning group shall be filled by the planning group in a manner specified by the bylaws of the planning group, not later than 120 days, following the date of the determination of the

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vacancy. The term of office of any member filling a vacancy in accordance with the procedure established in Article III, Section 4 above shall be for the balance of the vacated term.

- Section 3. When a recognized community planning group is unable to fill a vacancy within the 120 days, as specified above, and the planning group has more than twelve members, the planning group shall either leave the seat vacant until the next planning group election, or amend its bylaws to permit decreased membership to a minimum of twelve members. If a vacancy remains for more than 60 days from the time a vacancy is declared, and the planning group has less than twelve members in good standing, the planning group shall report in writing the efforts made to fill the vacancy to the Planning Department. If, after 60 additional days, the planning group membership has not reached 12 members, the planning group will be deemed inactive and the Planning Department shall notify the City Council that the planning group will be inactive until it has attained at least 12 members in good standing. The Planning Department shall assist with the planning group election in the attempt to regain the minimum Policy membership requirement of 12 members.

ARTICLE V Elections

- Section 1. Elections of recognized community planning group members shall be held during the month of March in accordance with procedures specified in adopted planning group bylaws. Planning groups shall hold elections every year or every other year.

In the election process, the planning group shall seek enough new candidates to exceed the number of seats open for election in order to allow those who have served for eight or nine consecutive years to leave the group for at least one year.

Planning groups may establish voting procedures that include opportunities for multiple voting times or locations, provided those procedures allow for the completion of the election during the month of March and demonstrate an ability to assure fair access and avoidance of voting improprieties.

- Section 2. The Planning Department shall publicize the elections of recognized community planning groups through the Planning Department website, City TV24 programming, electronic mail, the City's webpage, and other available effective means.

The planning group shall make a good faith effort to utilize means appropriate to their communities to publicize the planning group's eligibility requirements for candidacy and the upcoming elections.

- Section 3. Voting shall be by secret written ballot. Recognized community planning groups may establish bylaw provisions to address procedures for mailing in ballots for

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elections if the planning group determines that this procedure, or another specified procedure, would increase community participation in the election process. Under no circumstances is proxy voting for elections allowed. At a minimum, ballots shall be available for a specified period at the noticed planning group meeting at which the election will be held.

- Section 4. Unless otherwise explicitly provided for in a recognized community planning group's bylaws, an election becomes final after announcing the election results at a noticed planning group meeting. New members shall be seated in April.

ARTICLE VI Community Planning Group and Planning Group Member Duties

- Section 1. It shall be the duty of a recognized community planning group to cooperatively work with the Planning Department and, as appropriate, the City Manager throughout the planning process, including but not limited to the formation of long-range community goals, objectives and proposals or the revision thereto for inclusion in a General or Community Plan.

It shall be the duty of a planning group as a whole, and of each individual planning group member, to refrain from conduct that is detrimental to the planning group or its purposes under this Council Policy. No member shall be permitted to disturb the public meeting so as to disrupt the public process as set forth on the planning group's agenda.

- Section 2. It shall be the duty of each recognized community planning group member to attend all planning group meetings. Regular meetings shall be periodically held by the planning group to meet with the Planning Department at a mutually agreed upon time and location during appropriate periods in the planning process.

A quorum, defined as a majority of non-vacant seats of a planning group, must be present in order to conduct business and/or to vote on projects or to take actions at regular planning group meetings.

A report of attendance and a copy of approved minutes, which include the votes taken on each matter acted upon for each meeting, shall be retained by a planning group and shall be available for public inspection. Additionally, a copy of the approved minutes shall be submitted to the Planning Department within 14 days after approval by the planning group.

Planning group actions on specific projects should include the planning group's vote, and should indicate whether or not the applicant appeared before the planning group, and if not, should indicate what type of notification was provided to the applicant requesting his/her appearance at the planning group meeting.

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A planning group may hold meetings other than regular meetings in accordance with a policy established by the planning group except that executive sessions [meetings excluding some planning group members or members of the public] shall be prohibited.

Planning groups are encouraged to establish subcommittees when their operation contributes to more effective discussions at regular planning group meetings. All meetings of committees and subcommittees shall be open to the public and shall be conducted in accordance with Robert's Rules of Order except as otherwise provided in Council Policy 600-24, the Administrative Guidelines, and/or by the adopted planning group bylaws.

Section 3. It shall be the duty of a recognized community planning group and its members to periodically seek communitywide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The planning group shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long-range interest of the community at large.

It shall also be the duty of a planning group, when reviewing development projects, to allow participation of affected property owners, residents and business establishments with proximity to the proposed development.

The planning group shall inform the project applicant or representative each time that such review will take place and provide the applicant with an opportunity to present the project. Any interested member of the public shall be given an opportunity to comment on projects during planning group meetings.

Section 4. It shall be the duty of a recognized community planning group to maintain a current, up-to-date roster of the names, terms, and category/qualifications of planning group members in its possession, and to forward the current roster, as well as any updates, to the Planning Department. The planning group must also submit to the Planning Department, by the end of March each year, an annual report of accomplishments for the past calendar year and anticipated objectives for the coming year related to Article II, Section 1 above.

Section 5. A recognized community planning group may develop a policy for financial contributions from the citizens of the community for the purposes of furthering the efforts of the planning group to promote understanding and participation in the planning process. However, no membership dues shall be required. All contributions must be voluntarily made, and no official planning group correspondence may be withheld based on any individual's desire to not make a voluntary contribution.

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- Section 6. It shall be the duty of each recognized community planning group member to attend an orientation training session administered by the Planning Department as part of planning group and individual member indemnification pursuant to Ordinance No. O-17086 NS entitled “An Ordinance Providing for Legal Representation to and Indemnification of Community Planning Committees Against Claims for Damages.” It shall be the duty of the Planning Department to offer at least two orientation sessions each year as well as topic-specific sessions intended to advance the knowledge of planning group members in subjects within the scope of responsibilities of recognized community planning groups. Newly seated planning group members must complete an orientation training session within 12 months of being elected or appointed to a planning group or the member will be ineligible to serve.
- Section 7. Any member of a recognized community planning group with a direct economic interest in any project that comes before the planning group or its subcommittees must disclose to the planning group that economic interest, and must recuse from voting and not participate in any manner as a member of the planning group for that item on the agenda.
- Section 8. In limited circumstances, recognized community planning group members may abstain from either voting on an action item, or from participating and voting on an action item. The member must state, for the record, the reason for the abstention.
- Section 9. Recognized community planning groups shall not engage in, or allow, proxy voting on any agenda item. Other methods of absentee voting on agenda items, such as telephoning or emailing a vote, are also prohibited.
- Section 10. It shall be the duty of all recognized community planning group members to conduct official business of the planning group in a public setting. It is recognized that the officers of the planning group may oversee administrative business of the planning group, such as the assembling of the draft agenda, in preparation for public discussions. However, all substantive discussions about agenda items or possible group positions on agenda items shall occur at the noticed planning group meetings.
- Any attempt to develop a collective concurrence of the elected or appointed members of a recognized community planning group as to action to be taken on an item by members of the [planning group], other than at a properly noticed public meeting, either by direct communication, personal intermediaries, serial meetings, or technological devices, is prohibited.
- Section 11. Subcommittee recommendations must be brought forth to the full recognized community planning group for formal vote at a noticed public meeting. In no

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case may a subcommittee recommendation be forwarded to the City as the formal recommendation of the planning group.

ARTICLE VII Planning Group Officers

- Section 1. The officers of a recognized community planning group shall be elected from and by the members of the planning group. Said officers shall consist of a Chairperson, Vice Chairperson and Secretary and, by policy, a planning group's bylaws may include such other officers as the planning group may deem necessary. Further duties of the officers may be defined in planning group bylaws. The planning group shall determine the length of an officer's term in its bylaws, except that no person may serve in the same planning group office for more than eight or nine consecutive years. After a period of one year in which that person did not serve as an officer that person shall again be eligible to serve as an officer.
- Section 2. Chairperson. The Chairperson shall be the principal officer of a recognized community planning group and shall preside over all planning group and communitywide meetings organized by the planning group.
- Section 3. Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and responsibilities of the Chairperson.
- Section 4. Secretary. The Secretary shall be responsible for the planning group's correspondence, attendance records, and minutes and actions [including identification of those planning group members that constitute a quorum, who vote on an action item, and who may abstain or recuse and the reasons], and shall assure that planning group members and members of the public have access to this information. The Secretary may take on these responsibilities or may identify individuals to assist in these duties.
- Section 5. The Chairperson shall be a recognized community planning group's representative to the Community Planners Committee (CPC). However, by specific action, some other member may be selected as the official representative to CPC with the same voting rights and privileges as the Chairperson. Each planning group may select an alternate CPC representative.
- Section 6. It shall be the duty of the officers of recognized community planning groups and of the Community Planners Committee representative to promptly disseminate to all elected planning group members pertinent information that is received by the planning group regarding its official business.

ARTICLE VIII Planning Group Policies and Procedures

- Section 1. In addition to incorporating the policies outlined in Articles I through VII into recognized community planning group bylaws, each planning group shall include

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policies and procedures found necessary for the group's effective operation under this Policy. The following topic areas are those to be addressed. Explanations of when and why to adopt procedures or policies are found in the Administrative Guidelines.

- (1) Community Participation, suggested but not limited to: community outreach; assurances of seeking diverse representation on the planning group.
- (2) Planning Group Composition, suggested but not limited to: methods for anticipated conversion of planning group seats, such as developer seats or appointed seats, as applicable; general membership eligibility and recordkeeping, as applicable; involving the community at large.
- (3) Conduct of Meetings, suggested but not limited to: meeting noticing, including subcommittees; meeting operations such as time limits on speakers and maintaining a civil meeting environment; subcommittee operations such as process for project reviews and bylaw amendments; role of the chair in voting; role of a general membership or the public in discussing agenda items.
- (4) Member and Planning Group Responsibilities, suggested but not limited to: filling vacant seats either during a term or following an election; how planning group positions will be represented to the City; discipline or removal of an individual member; bylaw amendment process, including the development of procedures companion to the bylaws.
- (5) Elections, suggested but not limited to: promoting planning group elections; determining eligibility of candidates and voters; ballot preparation, handling, and counting procedures; poll location and operation criteria; election challenges.

Section 2. Bylaws of recognized community planning groups shall be amended to conform with the 2005 amendment to this policy within 18 months from the enactment of this amendment. Until the expiration of 18 months, or adoption of bylaws amendments, whichever comes first, a planning group operating in conformance with bylaws that were previously approved by the City Council, shall be deemed to be operating in conformance with this Policy.

HISTORY:

Adopted by Resolution R-216888 09/29/76
Amended by Resolution R-257382 10/25/82
Amended by Resolution R-273369 05/02/89
Amended by Resolution R-276245 07/30/90
Amended by Resolution R-XXXX

SUMMARY OF COUNCIL POLICY 600-24 REQUIREMENTS

Council Policy 600-24 sets out standard operating procedures and identifies responsibilities of City-recognized community planning committees. It requires that a planning committee's operating rules and responsibilities (i.e., bylaws and rules of procedure) follow certain rules. Under the policy, each group must provide the City with a copy of the group's bylaws and rules of procedure, up-to-date roster, and approved minutes.

COUNCIL POLICY 600-24:

1. Defines the general purpose of community planning committees and provides for staff assistance to them (Article II, Sections 1-3).
2. Permits the Planning Director and City Attorney to approve amendments to bylaws when they are in conformance with the Council Policy (POLICY).
3. Sets upper and lower limits (20 and 12) on the size of planning committees. The upper limit can be exceeded if approved by the City Council (Article III, Section 1).
4. Requires that committee members be at least 18 years of age (Article III, Section 3).
5. Permits further definition of membership eligibility in committee bylaws (Article III, Section 3).
6. Sets limits on length of terms (2, 3, or 4 years) Article III, Section 4).
7. Limits members to 8 or 9 consecutive years of service, and establishes one year as the period of time after which an individual who has served in excess of eight or nine consecutive years may again be eligible for election to the committee (Article III, Section 4). Provides for exceptions to the term limit for up to 25 percent of the voting committee membership seats when individuals are elected by a two-thirds majority vote (Article in, Section 4-2).
8. Requires vacancies to be filled within a specified time frame (Article IV).
9. Consolidates planning committee elections in March (Article V, Section 1).
10. Requires the Planning Department to advertise elections through newspaper advertisements and the planning committees to make a good faith effort to utilize other means to advertise their elections (Article V, Section 2).
11. Prohibits a planning committee from being affiliated with or restricted to a particular religious group (Article II, Section 4).